

JAY P. HENDRICKSON

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: DUNN, Adam Peter et al.

Serial No.: 10/057,209

Filing Date: January 22, 2002

For: **SUBMERSIBLE MARINE VEHICLE**

**REQUEST FOR RECONSIDERATION OF
PETITION UNDER 37 CFR §1.47(a)**

Applicants, Adam Peter Dunn, Gary Starr and James R. Jeremias, submit this Request for Reconsideration of Petition under CFR §1.47(a), again requesting that the above-referenced patent application be accepted and examined for patentability without the signature of one of the joint inventors, Scott Robert Kalkman, on the grounds that he refuses to sign the Declaration for Utility or Design Patent Application ("Declaration") and Power of Attorney or Authorized Agent ("Power of Attorney") that were provided to him. Applicants desire to proceed with the application on behalf of themselves and Mr. Kalkman.

Applicants have submitted with this Petition the Declaration of Jay P. Hendrickson, the patent attorney of record in this case, who attests to the facts surrounding Mr. Kalkman's refusal to sign the Declaration and Power of Attorney. As demonstrated in Mr. Hendrickson's Declaration, Mr. Kalkman has been provided with a true and correct copy of the complete patent application, but he has refused to sign the Declaration and Power of Attorney.

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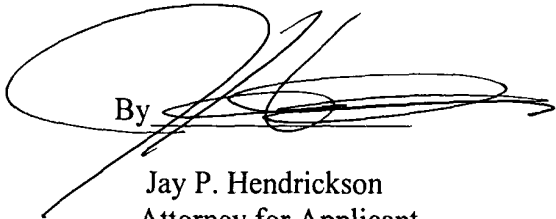


Based upon this Request for Reconsideration of Petition and the Declaration of Jay P. Hendrickson submitted in support of the Request, Applicants respectfully request that the Office of Petitions grant their request that the patent application be accepted and examined for patentability without the signed Declaration and Power of Attorney of Mr. Kalkman.

Respectfully submitted,

Date: June 20, 2003

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By 
Jay P. Hendrickson
Attorney for Applicant
Registration No. 37,147

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In re application of:
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DECLARATION OF JAY P. HENDRICKSON

U.S. Patent and Trademark Office
P.O. Box 2327
Mail Stop DAC
Arlington, VA 22202

Sir:

I, Jay P. Hendrickson, declare and state as follows:

I am a citizen of the United States of America, and the patent attorney who filed the above-referenced patent application ("Application") on behalf of all of the inventors. My patent registration number is 37,147.

2. This declaration is filed in response to the action of the Office of Petitions, dated January 21, 2003 (Paper No. 6), which denied the "Petition Under 37 CFR§1.47(a)", dated September 25, 2002, which requested that the Application be accepted and examined without the signed declaration of one of the joint inventors.

3. On April 3, 2003 I personally sent by Certified Mail Return Receipt Requested (Article No. 7002 2030 0003 2560 0321) a letter to Mr. Scott Roberts Kalkman, one of the joint inventors of the invention disclosed in the Application, requesting that he sign and date an enclosed Declaration for Utility or Design Patent Application ("Declaration") and a Power of Attorney or Authorized Agent ("Power of Attorney") pertaining to the application. My letter was sent to Mr. Kalkman's last known address: P.O. Box 1905, Healdsburg, CA 95448. Along with the letter I also enclosed a complete copy of the Application. In my letter I informed Mr. Kalkman as follows:

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"Please be advised that I must receive the signed documents from you within ten (10) days after you receive this certified mail, return receipt letter. If I do not receive the signed documents within the ten (10) day period, your failure to return the documents will constitute your refusal to sign the Declaration and Power of Attorney.

A true and correct copy of my letter, including the enclosures is attached to my declaration as Exhibit "A".

4. On or about April 8, 2003 I received from the United States Post Office the green return receipt postcard, bearing Article No. 7002 2030 0003 2560 0321 which had been signed by "S. Kalkman" on April 7, 2003. A true and correct copy of the signed postcard is attached hereto as Exhibit "B".

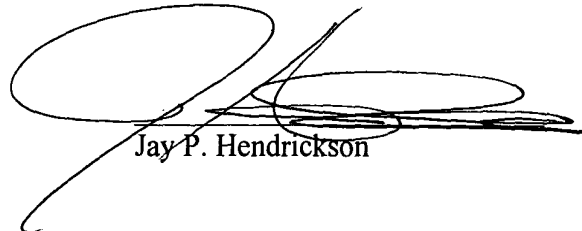
5. The next day, April 9, 2003, I received a telephone call from Mr. Kalkman in which he stated that he wanted to review "his file" before making a decision as to whether he would sign the Declaration and Power of Attorney. We agreed to reschedule our conversation for April 16, 2003 at 11:30 A.M.

6. On April 16, 2003 I telephoned Mr. Kalkman and he informed me that he would not sign the Declaration and Power of Attorney unless he received something of value for his cooperation. I attempted to clarify what Mr. Kalkman meant but he would not explain himself further. At the end of the telephone conversation, I told Mr. Kalkman that if I did not receive the signed Declaration and Power of Attorney by facsimile by the end of the day, I would consider his failure to fax the signed documents as a final refusal to sign the Declaration and Power of Attorney.

7. I did not receive the signed Declaration and Power of Attorney by fax April 16, 2003 and from that day until the present time, I still have not received the signed documents.

I hereby declare that all the statements made herein of my known knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements are so made punishable by fine or imprisonment, or both, under Section 101 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

6/20/03
Date


Jay P. Hendrickson

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